

Decision **PROPOSED DECISION OF ALJ ROSCOW** (Mailed 6/18/2015)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
(U39E) for Approval of its 2012 Rate Design  
Window Proposals.

Application 12-02-020  
(Filed February 29, 2012)

**DECISION AWARDING INTERVENOR COMPENSATION TO CENTER FOR  
ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO  
DECISION 14-06-037**

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| <b>Intervenor: Center for Accessible<br/>Technology (CforAT)</b> | <b>For contribution to Decision (D.) 14-06-037</b> |
| <b>Claimed: \$37,019.00</b>                                      | <b>Awarded: \$19,690.00</b>                        |
| <b>Assigned Commissioner:</b> Michael Picker                     | <b>Assigned ALJ:</b> Stephen C. Roscow             |

**PART I: PROCEDURAL ISSUES**

|  |   |
|--|---|
| <b>A. Brief description of Decision:</b> | Approves a number of uncontested rate design proposals made by Pacific Gas & Electric Company in its 2012 Rate Design Window application and reviews compliance items regarding prior Commission orders that PG&E included in its application. Transfers other issues to alternate proceeding. Closes proceeding. |
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

|   | <b>Intervenor</b> | <b>CPUC Verified</b>   |
|---|-------------------|--|
| <b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b> |                   |  |
| 1. Date of Prehearing Conference (PHC):   | May 14, 2012      | Verified.  |
| 2. Other specified date for NOI:  | N/A               |  |
| 3. Date NOI filed:  | June 11, 2012     | Verified.  |
| 4. Was the NOI timely filed?  |                   | Yes.   |
| <b>Showing of customer or customer-related status (§ 1802(b)):</b>                |                   |  |
| 5. Based on ALJ ruling issued in proceeding number:                               | A.14-04-013       | Verified.  |
| 6. Date of ALJ ruling:  | 8/26/14           | Verified.  |
| 7. Based on another CPUC determination (specify):                                 | See comment below |  |
| 8. Has the Intervenor demonstrated customer or customer-related status?           |                   | Yes.   |
| <b>Showing of “significant financial hardship” (§ 1802(g)):</b>                   |                   |  |
| 9. Based on ALJ ruling issued in proceeding number:                               | A.14-04-013       | R.12-06-013  |
| 10. Date of ALJ ruling:   | 8/26/14           | 02/25/2013   |
| 11. Based on another CPUC determination (specify):                                | See comment below | Yes.   |
| 12. Has the Intervenor demonstrated significant financial hardship?               |                   | Yes, the ruling in R.12-06-013 provides CforAT with the requisite showing of significant financial hardship. |
| <b>Timely request for compensation (§ 1804(c)):</b>                               |                   |  |
| 13. Identify Final Decision:  | D.14-06-037       | Verified.  |
| 14. Date of issuance of Final Order or Decision:                                  | June 30, 2014.    | Verified.  |
| 15. File date of compensation request:  | August 28, 2014   | Verified.  |
| 16. Was the request for compensation timely?                                      |                   | Yes.   |

**C. Additional Comments on Part I (use line reference # as appropriate):**

| # | Intervenor's Comment(s)   | CPUC Discussion             |
|---|---|-----------------------------|
|   | The Commission did not issue a formal ruling in response to CforAT's NOI in this proceeding. CforAT has regularly been found eligible for compensation by the Commission, and the cited ruling in A.14-04-013 (issued after the final decision in this proceeding) is simply the most recent example. | <i>See Comments, above.</i> |

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

| Intervenor's Claimed Contribution(s)  | Specific References to Intervenor's Claimed Contribution(s)  | CPUC Discussion  |
|---|--|------------------|
| <p>CforAT, in conjunction with the Greenlining Institute (Greenlining), focused on addressing the impact that PG&amp;E's proposed changes to rate design would have on vulnerable consumers, including many consumers with disabilities. This focus was evident in all filings, in the joint testimony provided by CforAT/Greenlining, at hearing, and in briefing.</p> <p>Specifically, CforAT, in conjunction with Greenlining, addressed the impact that the proposed changes to rate design incorporated in PG&amp;E's application would have on the affordability of necessary supplies of electricity for vulnerable customers, including low-income and low-usage customers. CforAT and Greenlining analyzed the</p> | <p>See Protest of the Greenlining Institute and the Center for Accessible Technology (Joint Protest), filed on April 3, 2012; Prepared Testimony of Stephanie Chen on behalf of the Greenlining Institute and the Center for Accessible Technology (entered into the record as Exhibit Greenlining-01); Joint Opening Brief of the Greenlining Institute and the Center for Accessible Technology (Joint Opening Brief), filed on November 2, 2012, and the Joint Reply Brief of the Greenlining Institute and the Center for Accessible Technology (Joint Reply Brief), filed on November 16, 2012.</p> | <p>Verified.</p> |

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| <p>impact of the application as an independent proposal as well as the cumulative impact of the proposals contained in the application, in conjunction with other recent changes to rate design in other Commission proceedings.</p> <p>This focus on affordability was squarely within the scope of the proceeding, addressing the proposals made by PG&amp;E in view of the legal requirements for rate design. This was reaffirmed in the Scoping Memo, issued on July 5, 2012, which noted that “Greenlining/CforAT’s protest focuses on PG&amp;E’s proposal to reduce the baseline allowance to 50% of average usage; Greenlining/CforAT intend to examine the impact of this proposal on low-income customers and customers who use lower amounts of energy,” and then stated that the issues identified within the various intervenors’ protests (including specifically Greenlining/CforAT) were within the scope of the proceeding. Scoping Memo at pp. 5-6.</p> |  |   |
| <p>After parties fully litigated the issues raised in the application (including evidentiary hearings and briefs), the Commission eventually determined that it would not decide the contested issues on the merits. Rather, the contested issues in the proceeding, including any</p>  | <p>The Commission has historically compensated parties that provide substantive input on issues within the scope of a proceeding, even if no substantive decision is issued on the merits of the issue, particularly if the reason that no substantive decision is issued is outside of the control of the parties. The most recent example of</p> | <p>While the Commission acknowledges CforAT’s claimed contribution on these issues, the Commission will not make a determination in the present</p> |

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| <p>changes in baseline quantities were referred to another docket (R.12-06-013, the Residential Rate Design OIR).</p> <p>This procedural result does not prevent an award of compensation for work done on issues concerning the impact of rate design on affordability of electricity, which was squarely within the scope of the proceeding. Indeed, these issues were the focus of the litigation, addressed in testimony, hearing and briefing.</p> <p>Because CforAT's substantive contributions on affordability generally, and issues regarding baseline quantities in particular, were directly responsive to the proposals made in PG&amp;E's Application, CforAT's participation was reasonable and should be compensated.</p> | <p>such an award being granted to CforAT is in D.14-06-026, issued in I.11-06-009, in which CforAT was awarded compensation for work regarding a proposed merger between AT&amp;T and T-Mobile, despite the application being withdrawn before issuance of a decision on the merits.</p> <p>Here, the final decision explains how a ruling issued in R.12-06-013 determining that changes to PG&amp;E's baseline percentages should be including in that proceeding made the litigation in this proceeding "moot." <i>See</i> Third Amended Scoping Ruling in R.12-06-013, issued on April 15, 2014, at p. 4. This decision, issued far after the record was closed in A.12-02-020, could not have been anticipated while litigation was ongoing. The Commission should thus use its discretion to award compensation for all hours sought in this request.</p> <p>An award of compensation for work within the scope of this proceeding, reasonably performed in expectation of a ruling on the merits, would be consistent not only with D.14-06-026, referenced above, but with multiple other proceedings in which intervenors were provided compensation for work that was reasonably done, even when no substantive decision was issued in the relevant proceeding. <i>See e.g.</i> D.02-03-023, D.02-03-025, D.02-08-061, D.03-05-029, D.04-03-031, D.05-12-038, D.06-06-008, D.06-10-007, D.13-02-032.</p> | <p>proceeding. The Commission encourages CforAT to seek compensation for the work performed on these issues in R.12-06-013.</p> |
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

|   | <b>Intervenor's Assertion</b> | <b>CPUC Discussion</b> |
|---|-------------------------------|------------------------|
| <b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>  | Yes                           | Yes.                   |
| <b>b. Were there other parties to the proceeding with positions similar to yours?</b>   | Yes                           | Yes.                   |
| <b>c. If so, provide name of other parties: The Greenlining Institute, TURN, ORA</b>  |                               | Yes.                   |
| <b>d. Intervenor's claim of non-duplication:</b><br><br>CforAT focused on the impact that proposed changes in rate design would have on the affordability of electricity for vulnerable customers (primarily, though not exclusively, based on the impact that proposed changes to baseline quantities would have on customer bills). CforAT's constituency of people with disabilities are disproportionately low-income, while also highly dependent on affordable electricity for essential service, thus this focus addresses the specific needs of the population we represent. CforAT conducted virtually all substantive work in this proceeding, including presentation of testimony, briefs, and other filings, in conjunction with the Greenlining Institute, which also represents vulnerable customer groups (primarily low income customers and communities of color). CforAT and Greenlining coordinated all efforts and divided tasks to complete work efficiently; by performing all substantive work jointly, both parties were able to avoid duplication that may have taken place filing separately. Where limited issues directly impacted our constituency (e.g. Medical Baseline issues), CforAT took the lead.<br><br>CforAT and Greenlining also coordinated with TURN and ORA where appropriate to avoid duplicating work performed by other consumer representatives. For example, CforAT and Greenlining deferred to TURN on issues addressing potential modifications of the summer season. |                               | Verified.              |

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§ 1801 and § 1806):**

| <b>a. Intervenor's claim of cost reasonableness:</b>  | <b>CPUC Discussion</b>  |
|---|---|
| <p>CforAT intervened in this proceeding to ensure that changes to PG&amp;E's rate design would not result in unaffordable prices for essential supplies of electricity, particularly for vulnerable customers, including specifically our constituency of customers with disabilities. For low-income customers, including many customers with disabilities, small changes in dollar amounts can have a large impact on affordability. However, customers who rely on CforAT to advocate for their interests before the Commission cannot afford individual representation.</p> <p>While it is difficult to calculate a financial benefit or direct bill savings to individual customers based on CforAT's participation in this proceeding, the benefits to vulnerable customers of ensuring that their needs are given due consideration is substantial. Given the importance of electricity and the impact of changes to residential rate design on this population, representation in proceedings that impact affordability provides a broad benefit far that outweighs the costs of CforAT's participation.</p> <p>Given the Commission's obligation to consider affordability in authorizing changes to rate design and the relatively small amount of CforAT's request for intervenor compensation, the Commission should conclude that our overall request is reasonable.</p> | Verified.   |
| <p><b>b. Reasonableness of hours claimed:</b></p> <p>CforAT spent approximately 80 hours on this proceeding, including discovery, testimony, evidentiary hearing and briefing. Virtually all efforts were conducted in conjunction with Greenlining. This time was spent focused on ensuring that the Commission gave due consideration to protecting affordability of essential supplies of electricity, particularly for vulnerable consumers.</p> <p>In light of the importance of this issue and the fully-litigated procedural developments of this proceeding, the Commission should find that the number of hours claimed are fully reasonable.</p>  | Verified, <i>but see</i> Disallowances and Adjustments, below.  |
| <p><b>c. Allocation of hours by issue:</b></p> <p>CforAT has allocated the time spent in this proceeding as set forth below. The percentages reflect time spent in 2012, the year in which the vast majority of the work was performed. In addition to the work in 2012, as noted in the detailed time records attached, CforAT spent 0.8 hours in 2013 and 1.5 hours in 2014 monitoring the procedural resolution of this proceeding; all such time is classified as "general participation."</p> <p><b>Affordability: 40.3 hours in 2012 (51% of total)</b></p> <p>This issue allocation includes time spent examining the impact that the proposals</p>  | Verified, although the Commission will not compensate CforAT in this proceeding for the 40.3 hours claimed under "Affordability" as these hours should be claimed in R.12-06-013. |

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| <p>addressing changes to baseline quantities, minimum bills, and other rate design features would have on the affordability of necessary supplies of electricity to vulnerable customers. It includes discovery, strategy, questions regarding Medical Baseline, and other efforts to address the merits of the application.</p> <p><b>General Participation: 17.1 hours in 2012 (22 % of total), plus 2.3 hours in 2013/2014 (100% of total)</b></p> <p>This issue includes necessary activity to effectively participate in the proceeding, including reviewing Commission documents and filings by other parties, addressing procedural tasks, and participating in activities such as the Prehearing Conference and a workshop where substantive issues were addressed but not easily separated from each other or from procedural matters.</p> <p>In 2012, the year in which the vast majority of the work was performed in this proceeding, CforAT</p> <p><b>Hearing/Briefing: 21.3 hours in 2012 (27% of total)</b></p> <p>This issue includes procedural matters directly required in preparation for the 3-day evidentiary hearing, such as scheduling and cross estimates, as well as preparation for and attendance at the hearings, and work on briefing following hearing. CforAT made efforts to identify those time entries in which we were focused on the issue of affordability separately under that issue category (including preparation for cross examination of PG&amp;E's witnesses and preparation for cross-examination of CforAT/Greenlining's joint witness, as well as substantive drafting of the joint opening and reply briefs by CforAT and Greenlining), but much of the work surrounding the hearing necessarily addressed multiple issues. Throughout the hearing itself and the briefing that followed, CforAT's primary focus continued to be affordability.</p> |  |
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**B. Specific Claim:\***

| CLAIMED                             |      |       |         |                   |          | CPUC AWARD             |               |           |
|-------------------------------------|------|-------|---------|-------------------|----------|------------------------|---------------|-----------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES |      |       |         |                   |          |                        |               |           |
| Item                                | Year | Hours | Rate \$ | Basis for Rate*   | Total \$ | Hours                  | Rate \$       | Total \$  |
| Melissa W. Kasnitz                  | 2012 | 78.7  | \$430   | D.13-04-008       | \$33,841 | 38.4                   | 430.00        | 16,512.00 |
| Melissa W. Kasnitz                  | 2013 | 0.8   | \$440   | D.13-11-017       | \$352    | 0.8                    | 440.00        | 352.00    |
| Melissa W. Kasnitz                  | 2014 | 1.5   | \$450   | See comment below | \$675    | 1.5                    | 450.00<br>[1] | 675.00    |
| Subtotal: \$ 34,868                 |      |       |         |                   |          | Subtotal: \$ 17,539.00 |               |           |



| INTERVENOR COMPENSATION CLAIM PREPARATION **   |                                      |       |         |                  |            |  |        |          |
|--|--------------------------------------|-------|---------|------------------|------------|--|--------|----------|
| Item   | Year                                 | Hours | Rate \$ | Basis for Rate*  | Total \$   | Hours  | Rate   | Total \$ |
| Melissa W. Kasnitz   | 2012                                 | 0.9   | \$215   | ½ standard rate  | \$193.50   | 0.9  | 215.00 | 193.50   |
| Melissa W. Kasnitz   | 2014                                 | 8.7   | \$225   | ½ requested rate | \$1,957.50 | 8.7  | 225.00 | 1,957.50 |
| Subtotal: \$2,151  |                                      |       |         |                  |            | Subtotal: \$2,151.00   |        |          |
| TOTAL REQUEST: \$ 37,019.00  |                                      |       |         |                  |            | TOTAL AWARD: \$19,690.00   |        |          |
| <p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p> |                                      |       |         |                  |            |  |        |          |
| ATTORNEY INFORMATION   |                                      |       |         |                  |            |  |        |          |
| Attorney   | Date Admitted to CA BAR <sup>2</sup> |       |         | Member Number    |            | Actions Affecting Eligibility (Yes/No?)<br>If "Yes", attach explanation  |        |          |
| Melissa W. Kasnitz   | December, 1992                       |       |         | 162679           |            | No, but Kasnitz was inactive from January 01, 1993 until January 25, 1995 and from January 01, 1996 until February 19, 1997. |        |          |

## C. Intervenor's Comments on Part III:

| Comment # | CforAT's Comment   |
|-----------|--|
| 1         | <p><b>Justification for 2014 Rate for Melissa W. Kasnitz:</b> As noted above, Ms. Kasnitz's approved rate for 2013 is \$440 per hour. No COLA or other rate adjustment has yet been authorized for 2014. However, if a 2% COLA, consistent with what was authorized for 2013, is eventually approved, the appropriate adjustment would result in a rate of \$450 for 2014. To the extent that a different rate adjustment is eventually authorized, CforAT requests that the adopted adjustment be applied in place of this estimate. CforAT has</p> |

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

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|  | requested a 2014 rate of \$450 for Ms. Kasnitz in other pending compensation requests in other proceedings (e.g. R.11-03-013), but no decision has yet issued authorizing such rate. |
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**D. CPUC Disallowances and Adjustments:**

| Item | Reason   |
|------|--|
| [1]  | In Resolution ALJ-303, the Commission adopted a 2014 cost-of-living adjustment (COLA) of 2.58%. Applying the COLA to Kasnitz's 2013 rate, and rounding to the nearest five dollar increment, results in a 2014 rate of \$450, which the Commission now approves. |
|      |  |

**PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff  
or any other party may file a response to the Claim (see § 1804(c))**

(CPUC completes the remainder of this form)

|  |     |
|--|-----|
| <b>A. Opposition: Did any party oppose the Claim?</b>  | No. |
| <b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b> | No. |

If not:

| Party | Comment                    | CPUC Discussion |
|-------|----------------------------|-----------------|
|       | No comments were received. |                 |
|       |                            |                 |

**FINDINGS OF FACT**

- Center for Accessible Technology has made a substantial contribution to D.14-06-037.
- The requested hourly rates for Center for Accessible Technology's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$19,690.00.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Center for Accessible Technology is awarded \$19,690.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 11, 2014 the 75<sup>th</sup> day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX**  
**Compensation Decision Summary Information**

|                                  |                                |                           |  |
|----------------------------------|--------------------------------|---------------------------|--|
| <b>Compensation Decision:</b>    |                                | <b>Modifies Decision?</b> |  |
| <b>Contribution Decision(s):</b> | D1406036                       |                           |  |
| <b>Proceeding(s):</b>            | A1202020                       |                           |  |
| <b>Author:</b>                   | ALJ Roscow                     |                           |  |
| <b>Payer(s):</b>                 | Pacific Gas & Electric Company |                           |  |

**Intervenor Information**

| <b>Intervenor</b>                | <b>Claim Date</b> | <b>Amount Requested</b> | <b>Amount Awarded</b> | <b>Multiplier?</b> | <b>Reason Change/Disallowance</b>                  |
|----------------------------------|-------------------|-------------------------|-----------------------|--------------------|--|
| Center for Accessible Technology | 08/28/2014        | \$37,019.00             | \$19,690.00           | N/A                | See Disallowances & Adjustments and Contributions. |

**Advocate Information**

| <b>First Name</b> | <b>Last Name</b> | <b>Type</b> | <b>Intervenor</b> | <b>Hourly Fee Requested</b> | <b>Year Hourly Fee Requested</b> | <b>Hourly Fee Adopted</b> |
|-------------------|------------------|-------------|-------------------|-----------------------------|----------------------------------|---------------------------|
| Melissa           | Kasnitz          | Attorney    | CforAT            | \$430.00                    | 2012                             | \$430.00                  |
| Melissa           | Kasnitz          | Attorney    | CforAT            | \$440.00                    | 2013                             | \$440.00                  |
| Melissa           | Kasnitz          | Attorney    | CforAT            | \$450.00                    | 2014                             | \$450.00                  |